

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JUNE 28, 1982

PRESENT:

Grant S Nielson	Mayor
Max Bennett	Council Member
Don Bird	Council Member
Don Dafoe	Council Member
Ruth Hansen	Council Member
Willis Morrison	Council Member

ABSENT:

OTHERS PRESENT:

Vance Bishop	City Administrator
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
John Quick	City Engineer
Neil Forster	Public Works Superintendent
Pat Davies	City Clerk
Craig Whitehead	Administrative Intern
Jim Fletcher	KNAK
Harrison Bunker	Lydia Bunker
Maxine Mills	Edgar Mills
Guy Bolton	Steve Allred
Roger Stowell	Lavar Cox
Lyle Bunker	Gayle Bunker
Gary Bunker	Sherrill Debenham
Robert Harris	

Mayor Nielson called the Meeting to order at 8:00 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days before to each of them.

MINUTES

The Minutes of a Regular City Council Meeting held June 21, 1982 were presented to the Council. Council Member Willis Morrison MOVED to accept the minutes as presented. Council Member Max Bennett SECONDED the motion which carried unanimously.

ACCOUNTS PAYABLE

The accounts payable were presented to the council members by Dorothy Jeffery. Councilman Don Bird MOVED to pay the bills as presented. The motion was SECONDED by Council Member Don Dafoe and carried unanimously.

BUDGET AMENDMENT

City Administrator and Greg Nielson explained the amended budget to council members. There was discussion concerning items in the budget

which show a surplus and on those which have run over budget. The council discussed the General Fund, Sewer Fund and also Revenue Sharing. Council Member Don Dafoe MOVED to adopt Resolution 82-72 entitled:

A RESOLUTION TO ADJUST BUDGET FIGURES FOR FISCAL YEAR 1982 FOR DELTA CITY.

Council Member Max Bennett SECONDED the motion and the vote was as follows:

Max Bennett	Yes
Don Dafoe	Yes
Don Bird	Yes
Ruth Hansen	Yes
Willis Morrison	Yes

CONTRACT AGREEMENT WITH UP & L

Mayor Nielson mentioned that the proposed contract with Utah Power and Light Company is an agreement to use 30 KW of 3 phase 60 cycle power for sewer pumps for 5 years. Council Member Don Bird MOVED to authorize the Mayor to sign the electrical service agreement with UP & L. Councilman Willis Morrison SECONDED the motion which carried in the affirmative.

LEASE AGREEMENT WITH L.D.S. CHURCH: GENEEOLOGICAL LIBRARY

Attorney Warren Peterson gave copies of the proposed lease agreement between the City of Delta and the Church of Jesus Christ of Latterday Saints to each Council member. The agreement allows the LDS Church to use property which was formerly a street, for landscaping purposes on a year to year lease. Council Member Bennett MOVED to authorize the Mayor to sign the agreement on behalf of the City Council. Council Member Ruth Hansen SECONDED the motion which carried unanimously.

BUNKER HILL ANNEXATION

City Attorney Warren Peterson reviewed the proposed ordinance with council members. He explained conditions of annexation, conditions of zone classification and park dedication requirements. Councilman Morrison spoke in favor of the annexation, but felt that the zone classification should have been set Rural Residential. Council Member Hansen asked how soon development would start if the annexation were approved. Mr Gayle Bunker replied that the development would be begun almost immediately, but in phases, by demand. He further stated that he had already contacted Hurricane Sand and Gravel about construction of the water and sewer line to the area. Mayor Nielson spoke to encourage the council members to approve the annexation. He said that the city had been encouraging the private sector to develop and that he felt this annexation would give a local developer a chance. Council member Hansen said she would like to see the city grow from the inside. It was mentioned that there was the possibility that making more land available would bring down the high prices of lots in the City. After much discussion on the terms of the

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ordinance, Councilman Willis Morrison MOVED to adopt Ordinance 82-44 entitled:

AN ORDINANCE OF THE CITY OF DELTA, UTAH PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF SAID CITY AND ESTABLISHING CERTAIN CRITERIA AND CONDITIONS TO THE ANNEXATION OF SAID TERRITORY, ESTABLISHING THE ZONE CLASSIFICATION FOR THE ANNEXED TERRITORIES AND GIVING FINAL ACCEPTANCE TO THE ANNEXATION PETITION SUBMITTED BY Gayle Bunker, Arnold L. SHIELDS, QUIN T. SHEPHERD, TERRI SHIELDS, ROBERT HARRIS AND OTHERS.

Council Member Don Dafoe SECONDED the motion. The roll call was as follows:

Max Bennett	Yes
DonBird	Nay
Don Dafoe	Yes
Ruth Hansen	Nay
Willis Morrison	Yes

The annexation requires 4 affirmative votes to pass. Therefore the annexation was denied. Mr. Gayle Bunker requested from Councilman Bird a reason for voting against the annexation. Councilman Bird replied: "We've gone over it a lot of times and I didn't see much sense in it. Everything is cut and dried now, but there is just too much expense up there to the city. The oiled road that will have to be built up there, they've already asked about that, it is going to wipe out a solid waste dump, probably the next thing that will happen is they'll have to take out the layrill because they're not going to put any money into controlling the dust. There are just too many things that we have to give up for no tax revenue back in."

Mr. Robert Harris voiced his opinion that the council was voting against its own policy. He felt that the first thing that should have been done was to reduce the size of the proposal. Councilman Bird explained that the initial boundary wasn't set that high, but that Bunkers charged discrimination by not including their property and that there was a split vote on whether to take it (the boundary) up that far. Originally the boundary was at the cemetery road.

The Mayor mentioned that a letter would be formulated to P & Z to outline reasons for voting against the Commissions recommendation to approve the Bunker Hills Annexation.

HURRICANE SAND AND GRAVEL REQUESTS

Hurricane Sand and Gravel, contractors of the construction of Phase I of the Sewer Construction Project have requested an extension of time and possible remuneration for costs on the project which were not expected. Mr. Roger Stowell stated that IPA would abide by the terms of the contract and pay 100% of the changes requested by IPA and 62% of what the state requests. He further stated that the project would like the city to adhere as closely as possible to the completion date of the contract. City

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Engineer John Quick explained the items requested by Hurricane Sand & Gravel and told which costs would be paid by the city and which would be shared by IPA and CIB. Mr. Quick recommended extending the contract for 4 working weeks and one week for clean up. Other items discussed were:

The added expense of an inspector amounting to approximately \$1,000 for 2 weeks.

Possible problems with pipe already installed but not yet tested.

A \$200.00 a day penalty for not completing on time.

Councilman Max Bennett MOVED to allow a 2 week extension to July 12 without a penalty. Councilman Bird SECONDED the motion which carried unanimously.

Councilman Willis Morrison MOVED to accept the change order from Hurricane Sand & Gravel on the added costs on Phase I of the sewer system and requested that the state, CIB and IPA participate to the extent of their mutually agreed upon percentages. The motion carried unanimously.

EXTENDING THE CENTRAL BUSINESS DISTRICT

Council Member Willis Morrison MOVED to set a public hearing for July 19, at 7:00 p.m. to hear public comment on the proposal to enlarge the Central Business district to one block on either side of Main Street. Council Member Max Bennett SECONDED the motion and all agreed on the issue.

WHITE SAGE ANNEXATION

City Attorney Peterson explained the proposed ordinance to the council members present. The group engaged in debate on water rights transfer, exchange of land for the new city building, control of development through Plat approval, building permit requirements, status of the Gardner well appropriation, zone changes, and distinguishing between temporary and permanent housing. Council Member Morrison MOVED to adopt Ordinance #82-44 with incorporated changes and corrections.

ORDINANCE #82-44: AN ORDINANCE OF THE CITY OF DELTA, UTAH PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF SAID CITY AND ESTABLISHING CERTAIN CRITERIA AND CONDITIONS TO THE ANNEXATION OF SAID TERRITORY, ESTABLISHING THE ZONE CLASSIFICATION FOR THE ANNEXED TERRITORIES AND GIVING FINAL ACCEPTANCE TO THE ANNEXATION PETITION SUBMITTED BY INTERMOUNTAIN POWER AGENCY, MITCHELL V. MYERS, THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS AND OTHERS.

Council Member Bennett SECONDED the motion and the Mayor called for a vote.

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Max Bennett	Yes
Don Bird	Yes
Don Dafoe	Yes
Ruth Hansen	Abstain
Willis Morrison	Yes

WHITE SAGE SUBDIVISION

LaVar Cox presented 3 preliminary plats and asked for comment from the Council. Discussion covered recommendations from Planning and Zoning, comments from the City Engineer, Steve Young and others, access to the city and proposed new hospital, and the naming and paving of streets. Mr. Cox left copies of the preliminary plats with the council and asked the members to study them and make comments. He said that IPA wants to proceed with construction as soon as the annexation is completed.

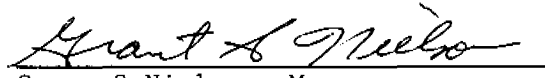
OTHER BUSINESS

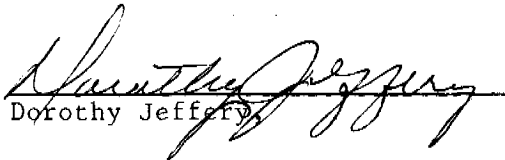
Councilman Bennett mentioned that the UP railroad cars left standing on the track inside the city are unsightly and extremely hazardous in some instances. It was suggested that the Mayor talk with the public relations man from UP and request the removal of the cars.

City Administrator Vance Bishop presented the names of 3 employees for merit increases. Ron Dawson, Jeff McGill and Carol Parr. Councilman Bird MOVED to approve the requested personnel changes and salary increases. Councilman Dafoe SECONDED the motion which carried unanimously.

Councilman Max Bennett MOVED to go into closed session to discuss enforcement problems at the Cellar Club. Councilman Bird SECONDED and the motion carried unanimously.

The Regular city council meeting reconvened at 12:40 p.m. The Mayor asked if there was any more business to discuss. There being none, Councilman Dafoe MOVED to adjourn and Councilman Bennett SECONDED the motion. All agreed whole heartedly. It was announced that the next Regular Council Meeting would be July 12, 1982.


Grant S Nielson, Mayor


Dorothy Jeffery